


IN THE SUPREME COURT OF THE STATE OF NEVADA

MICHAEL FOLEY,  
Appellant,  
vs.  
PATRICIA FOLEY,  
Respondent.

No. 69997

**FILED**

SEP 20 2019

ELIZABETH A. BROWN  
CLERK OF SUPREME COURT  
BY  DEPUTY CLERK

*ORDER DENYING REHEARING*

Appellant petitioned this court for partial rehearing of this court's order affirming in part, vacating in part and remanding entered on December 21, 2018. On May 10, 2019, we denied rehearing in part as to the issue regarding NRS 425.3844. Further, we invited the Clark County District Attorney's Office, Family Support Division (CCDA) to participate as amicus curiae and file a brief addressing the appointment-of-counsel issue raised in the rehearing petition.

Having reviewed the petition, the briefs of amicus curiae, and the reply to the amicus curiae brief of the CCDA, we deny the remaining issues in the petition for rehearing. In this court's order affirming in part, vacating in part, and remanding, we noted Michael's failure to offer any compelling reason to find a categorical right to counsel in every civil contempt proceeding where the contemnor is indigent. *See Foley v. Foley*, Docket No. 69997 (Order Affirming in Part, Vacating in Part, and Remanding, December 21, 2018, at 6 n.2). In vacating and remanding the district court's contempt order, we did not decide, and therefore left open,

the question of Michael's right to appointed counsel. Consideration of this issue should be developed by the district court in the first instance.

It is so ORDERED.

*L. Gibbons*, C.J.  
Gibbons

*Pickering*, J.  
Pickering

*J. Hardesty*, J.  
Hardesty

*Parraguirre*, J.  
Parraguirre

*Stiglich*, J.  
Stiglich

*Cadish*, J.  
Cadish

*Silver*, J.  
Silver

cc: Hon. Rebecca Burton, District Judge, Family Court Division  
Lewis Roca Rothgerber Christie LLP/Las Vegas  
Patricia Foley  
Clark County District Attorney/Family Support Division  
American Civil Liberties Union of Nevada/Las Vegas  
Greenberg Traurig, LLP/Las Vegas  
Eighth District Court Clerk